

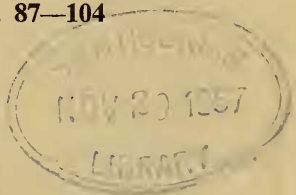
OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 17. Part 7. Pp. 87—104



OPINION 485

Determination of the relative priority to be assigned to the names *Cheirodon axelrodi* Schultz (L.P.) and *Hyphessobrycon cardinalis* Myers (G.S.) & Weitzman (S.H.) (Class Pisces), both being names published in February 1956

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 485

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Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 485

DETERMINATION OF THE RELATIVE PRIORITY TO
BE ASSIGNED TO THE NAMES "CHEIRODON
AXELRODI" SCHULTZ (L.P.) AND
"HYPHESSOBRYCON CARDINALIS" MYERS
(G.S.) & WEITZMAN (S.H.) (CLASS PISCES),
BOTH BEING NAMES PUBLISHED IN
FEBRUARY 1956

RULING :—(1) It is hereby ruled that on the basis of the evidence submitted the Parts of the serial publications containing the names of the under-mentioned nominal species belonging to the Class Pisces were published on the dates severally specified below :—

- (a) Part 4 of Volume 4 of the serial publication *Tropical Fish Hobbyist*, being a Part dated "April 1956" on the cover and "February 20, 1956" on the first page of the text (page [3]) ;

It is hereby ruled that on the evidence submitted the general mailing of the above Part of the serial publication *Tropical Fish Hobbyist*, being the Part containing the description of the new nominal species *Cheirodon axelrodi* Schultz (L.P.), commenced on 20th February 1956, on which date copies to a number estimated by the Editor at about 3,000 were distributed to subscribers

- (b) Part 1 of Volume 7 of the serial publication *Stanford Ichthyological Bulletin*, being a Part dated "February 21, 1956" :

It is hereby ruled that on the evidence submitted the general mailing of the above Part of the serial publication *Stanford Ichthyological Bulletin*, being the Part containing the description of the new nominal species *Hyphessobrycon cardinalis* Myers (G.S.) & Weitzman (S.H.), began on 21st February 1956, when 600 copies were mailed to subscribers.

(2) In the light of (1) above, it is hereby ruled that the name *Cheirodon axelrodi* Schultz (L.P.) is to be treated as having been published on 20th February 1956 and the name *Hyphessobrycon cardinalis* Myers (G.S.) & Weitzman (S.H.) on 21st February 1956.

(3) It is hereby ruled that in the light of (2) above the specific name *axelrodi* Schultz (L.P.), 20th February 1956, as published in the combination *Cheirodon axelrodi*, is to be accorded priority over the specific name *cardinalis* Myers (G.S.) & Weitzman (S.H.), 21st February 1956, as published in the combination *Hyphessobrycon cardinalis*.

(4) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology*, with the endorsement specified below and with the Name Number 1430 :—

axelrodi Schultz (L.P.), 20th February 1956, as published in the combination *Cheirodon axelrodi* (a name ruled as possessing, on the basis of the evidence submitted, priority over the specific name *cardinalis* Myers (G.S.) & Weitzman (S.H.), 21st February 1956, as published in the combination *Hyphessobrycon cardinalis*).

I. THE STATEMENT OF THE CASE

In the period March-April 1956 enquiries were received by the Office of the Commission from various sources on the question of the relative priority to be assigned to the binomina *Cheirodon axelrodi* Schultz (L.P.) and *Hyphessobrycon cardinalis* Myers (G.S.) & Weitzman (S.H.), both being names published in February 1956 and both, in the view of the correspondents concerned, being applicable to the same species. These enquiries culminated on 14th May 1956 when Mr. L. W. Ashdown of the Editorial Department of the serial publication *Water Life*,

London, submitted the following formal request for the determination by the International Commission on Zoological Nomenclature of the relative priority to be assigned to the foregoing names :—

Request for a Ruling as to the relative priority to be accorded to the names “*Cheirodon axelrodi*” Schultz, 1956, and “*Hyphessobrycon cardinalis*” Myers and Weitzman, 1956 (Class Pisces)

By L. W. ASHDOWN

(*Editorial Department, “Water Life”, London*)

I shall be grateful if the International Commission will give a ruling on the question of which of two recently published names should be applied to a newly described Characin. I should explain that what is apparently the same species has been described by Dr. L. P. Schultz as *Cheirodon axelrodi* in the April 1956 number of the *Tropical Fish Hobbyist* (pages 41/43) and, we understand, by George S. Myers and S. H. Weitzman as *Hyphessobrycon cardinalis* in No. 1 of Vol. 7 of the *Stanford Ichthyological Bulletin*. The same fish had been described in the February 1956 issue of *The Aquarium* by W. T. Innes, where it was stated that the fish had still to be classified, and it was given the popular name of “Cardinal Tetra” pending the publication of a scientific name for it.

The issue of the *Tropical Fish Hobbyist* for April 1956 is dated on the first page (page 3) “February 20, 1956”, while the issue of the *Stanford Ichthyological Bulletin* referred to above is, we believe, dated “February 21, 1956”. It is impossible without a ruling from the Commission to determine which of the two names previously mentioned should take priority over the other since the Commission alone is in a position to obtain the relevant information.

This fish is likely to become widely used by aquarists, and it is important therefore that the scientific name to be used for it should be determined without delay. I accordingly ask the International Commission to look into this matter, and to give a ruling on it as soon as possible.

2. Particulars obtained from the parties concerned as to the dates of publication of the names “*Cheirodon axelrodi*” Schultz and “*Hyphessobrycon cardinalis*” Myers & Weitzman respectively : Upon the receipt of the communication from Mr.

Ashdown reproduced in the preceding paragraph, Mr. Hemming as Secretary, took the view that no useful purpose would be served by the submission of that communication to the Commission until evidence on the question of the dates of publication of the relevant Parts of the serial publications in which the names *Cheirodon axelrodi* Schultz (L.P.) and *Hyphessobrycon cardinalis* Myers (G.S.) & Weitzman (S.H.) had respectively been published had been obtained from the parties who alone possessed first-hand evidence on this subject. Accordingly, on 16th May 1956 Mr. Hemming addressed letters of enquiry (i) as regards the name *Cheirodon axelrodi* Schultz, (a) to Dr. L. P. Schultz, the author of the above name and (b) to Mr. Herbert H. Axelrod, the Editor of the serial publication *Tropical Fish Hobbyist*, in which the above name had been published, and (ii) as regards the name *Hyphessobrycon cardinalis* Myers & Weitzman, (a) to Professor George S. Myers, the senior of the joint authors of the above name, and (b) to the Editor of the serial publication *Stanford Ichthyological Bulletin*, in which the above name had been published. Upon receiving the information so asked for, Mr. Hemming on 7th June 1956 prepared the following Report for the consideration of the International Commission to which he annexed copies of the replies which he had received to the enquiries referred to above :—

Procedure adopted for dealing with Mr. L. W. Ashdown's request for a ruling as to the relative priority to be accorded to the names "Cheirodon axelrodi" Schultz, 1956, and "Hyphessobrycon cardinalis" Myers and Weitzman, 1956 (Class Pisces)

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

Attention is drawn to the request submitted by Mr. L. W. Ashdown (Editorial Department, "Water Life") for a Ruling as to the relative priority to be accorded to two names for the same species of fish which appear to have been published almost simultaneously in the early part of 1956. The names concerned are (a) *Cheirodon axelrodi* Schultz, published in Part 4 of volume 4 of the serial publication *Tropical Fish Hobbyist*, a Part which on the wrapper bears the date "April 1956" and on the first page of the text (: [3]) the date "February 20, 1956" and (b) *Hyphessobrycon cardinalis* Myers and Weitzman, published in Part 1 of volume 7 of the serial publication

Stanford Ichthyological Bulletin (a serial publication published by the Natural History Museum of Stanford University) a Part bearing the date "February 21, 1956".

2. The answer to be returned to the question submitted in this case will depend on the evidence furnished by the parties concerned as to the dates on which the Parts of these serial publications referred to above were respectively "published", the term "published" being interpreted in the manner prescribed by the International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 223—225).

3. As both the names concerned are new and neither has as yet established itself in the literature, special priority for publication in the *Bulletin of Zoological Nomenclature* has been accorded to Mr. Ashdown's application in order that the International Commission may be in a position to give a Ruling in this matter at the earliest possible date.

4. In order to assist the International Commission in arriving at a decision on this question a request for full information as to the date of publication, as defined by the International Congress of Zoology, of the respective Parts of the serial publications concerned was addressed as a matter of urgency to the Editor of the *Tropical Fish Hobbyist* and to the Editor of the *Stanford Ichthyological Bulletin*. The replies received are given in Annexes 1 and 2 to the present note.

ANNEXE 1

Reports on the date of publication of the name "Cheirodon Axelrodi" Schultz, 1956

(a) Letter dated 23rd May 1956 from Leonard P. Schultz, Smithsonian Institution, U.S. National Museum, Washington, D.C., U.S.A.

Thanks for your letter of May 16, 1956 (Z.N.(S.) 1082) concerning relative priority of *Cheirodon axelrodi* Schultz and *Hyphessobrycon cardinalis* Myers and Weitzman.

Mr. Axelrod sent to me on March 6, 1956 the U.S. Post Office receipt for the mailing of the March-April issue of *Tropical Fish Hobbyist* and it is in my files, a photographic copy of which I could furnish if needed by the Commission. It contains the following information which I quote :—

" Jersey City, N.J.
Tropical Fish Hobbyist
2/20—24/56 and 3/2—3—5/56
Mar.-April-1956
Total pounds mailed 1514
Computed by T. Falconer "

The first date of mailing was on February 20, 1956 as shown by the above receipt. This is verified by the postmark on the folder in which my copy of the April issue of T.F.H. arrived. I quote : " Jersey City, N.J., February 20, 1956, P.B. Meter 333294, U.S. Postage 05 ".

Mr. Axelrod mailed to me on February 18th a printed tear sheet from the T.F.H. magazine of the description of *Cheirodon axelrodi* Schultz, which I received at 9.00 a.m. on February 20 1956.

I received a letter from Dr. George S. Myers which bore the date of February 16, 1956, as originally typed, but which had been re-dated as February 21, 1956 by Professor Myers in his hand-writing. He stated in long hand which I quote : " Dear Leonard : Copies of our latest Stan. Ichth. Bulletin just came in so I am enclosing your copy with this. There is a new aquarium tetra in it, GSM ". " P.S. I didn't get back to the office for several days to sign this. Thus change in date ". The rest of the letter was typed but about other matters. Enclosed in the letter was the printed description of *Hyphessobrycon cardinalis* Myers and Weitzman, also dated February 21, 1956. The envelope in which the letter and Stanf. Ichth. Bull. Vol. 7, no. 1 were enclosed were postmarked " Stanford, Calif., Feb. 21, 1956, 12.30 p.m.", which I have in my files. It was received February 23, 1956.

(b) Letter dated 23rd May 1956 from Herbert R. Axelrod, Editor Tropical Fish Hobbyist Magazine

This will acknowledge receipt of your letter dated May 16 relative to the priority of the names *Cheirodon axelrodi* Schultz and *Hyphessobrycon cardinalis* Myers & Weitzman.

I shall answer your queries according to (a), (b) and (c) as outlined in your letter.¹

(a) The magazine *Tropical Fish Hobbyist* which bears the cover date April 1956 was printed on February 17th and 18th. Some copies were distributed on that date to pet shops in our neighbourhood. General mailing started on February 20th and continued for a week or so. This information was verified by Myers, Innes and Dr. Schultz. I am enclosing the story which appeared in the next issue of our magazine explaining this procedure.

¹ The queries here referred to by Mr. Axelrod are those contained in my letter to him of 16th May 1956 which were as follows :—

- (a) The date on which were available the first copy or copies of the issue of the *Tropical Fish Hobbyist* which bears the date " April, 1956 " on the cover and the date " February 20, 1956 " on page 3 ;
- (b) The date on which the first copies of the above number were distributed to subscribers and the number of copies so distributed ;
- (c) If not all subscribers' copies were distributed on the date referred to in (b) above, the date on which the remaining copies were distributed and the number of such copies. (intld. F.H. 6th June 1956.)

(b) First copies went to the post office on February 20th. There were about 3,000 copies mailed on this date.

(c) 6,718 copies were distributed between February 20th and May 4th.

Verification of this information is available from the Postmaster, Jersey City 2, N.J. He has the records of mailing this issue.

Enclosure to letter dated 23rd May, 1956 from Herbert R. Axelrod

Extract from pp. 16 and 17 of the issue of the serial publication "Tropical Fish Hobbyist" for May—June, 1956

In the last issue of T.F.H., Dr. Schultz kindly named this beautiful fish *Cheirodon axelrodi* in my honor. I am, naturally, quite proud of this fact, especially since it is one of the most beautiful fishes I've ever seen. The story behind the scenes is a very interesting one and as a matter of record I'll tell you about it.

On February 10th or 11th the beautiful Scarlet Characins were brought to my attention by several of my friends. Sol Kessler, a fish dealer in nearby New Jersey town, was kind enough to give Bill Vorderwinkler a few specimens. I had Timmerman take a few color pictures of them, then sent them down to Dr. Schultz for identification. While this was going on, I held up printing T.F.H. until I heard from Schultz. I called him in Washington nearly every day until finally he said that he thought it was a new species and was naming it after me. He said it would take another day or two to write it up but he would send the manuscript up special delivery. On the morning of February 16th I received the manuscript . . . three hours later I had the pages set in type and the proofs were in the mail to Dr. Schultz. We received Dr. Schultz's corrections back the next day but by that time we were printing the magazine already, so we made the corrections as best we could on the plate. We mailed the first copies of the magazine on February 20th, as the records of the post office will verify (Innes and Myers both checked them!).

Now Dr. Schultz is a very finicky guy! When I sent him the fish he wanted an exact location for the "type locality". He doesn't believe in general areas . . . he wants THE place. I knew that Fred Cochu and his father-in-law, Herr Schnelle of Paramount Aquarium, were probably the only two white men to know the exact locale and

I further know that they wouldn't be fools enough to tell me or anyone else ! This fish was worth thousands of dollars and when others found out where they were getting the Neons from, the market was killed and the Neons were and still are selling for a price lower than that of White Clouds ! They didn't want the same thing to happen to this fish.

I asked a very good friend of mine, Mr. Mervin Roberts, to ask Schnelle where the fish comes from. Schnelle and Roberts are close associates. Roberts could not get a specific locale from Schnelle. Then I remembered a man who used to collect fish in that region.

I told him the story . . . he told me where the fish come from (north of Porto Velho on the Rio Madiera). He knew the exact area . . . even told me how to get there by plane. Take a four engine plane to Manaus, then a small seaplane to Porto Velho. Later I learned that Schnelle had reported to Myers that the fish came from near Manaus. Myers should have known better than to believe that for two reasons :—

1. Paramount Aquarium make their living selling tropical fish. They don't want every importer to have the fish that they now have exclusively.

2. The waters near Manaus have been combed for many years for lots of fishes. Why hadn't this beautiful species turned up before ?

Myers wrote to Kessler and others trying to get information that he should have written to me or Schultz about . . . Innes did the same thing ! WHY ?

Anyway, the fish I sent to Schultz were all females. The balance I sent to Tutwiler in Florida and to Bill Vordewinkler to see if they could spawn them. I am trying to spawn them myself . . . nothing yet.

The fish are very hardy and healthy. They are not easily killed by diseases, nor do they succumb to the ich very readily (other fishes in the same aquarium got the ich, but not these beauties !) Schultz, who hasn't seen a male yet, suggests that males might have the characin hook on their anal fins. I looked and couldn't find any on the specimens I have . . . maybe they are all females ? In the interests of ichthyology and tropical fishkeeping, I am offering, through T.F.H., a reward of \$50.00 for the exclusive rights to the publication of the first detailed spawning report of *Cheirodon axelrodi*. The report must be verified by three people or a month old baby fish must be sent along as proof. If photographs of the spawning sequence can be taken, we'll pay an additional \$10 for each reproducible photograph.

ANNEXE 2

Report on the date of publication of the name "Hyphessobrycon cardinalis" Myers and Weitzman, 1956

Letter dated 23rd May, 1956 from Margaret H. Storey, Associate Editor, Stanford Ichthyological Bulletin

In reply to your letter of 16th May, 1956², may I state that Prof. G. S. Myers is Editor of the *Stanford Ichthyological Bulletin*. However, as Associate Editor, my duties include direct dealing with the printers (Stanford University Press) and with the posting of each number of this serial. It is my responsibility that the greater part of each issue be in the mails on or before the publication date, which invariably appears just below the masthead of each number.

I followed my usual procedure when I addressed and mailed volume 7 no. 1 of the *Stanford Ichthyological Bulletin*, dated February 21, 1956 and hereby affirm :

1. That the entire edition of this number was delivered to me by the Stanford University Press on the morning of February 21, 1956.

2. That, envelopes having been addressed while the issue was in press, approximately 600 copies in individual envelopes were mailed by me at Stanford Post Office, at approximately 11.30 a.m. on February 21, 1956 by regular second class mail, and that six or seven additional copies were mailed by me at the same time by first-class airmail, in individual envelopes provided by Professor Myers.

3. That this mailing included all current names and addresses on the regular mailing list maintained by the Natural History Museum for S.I.B. and that the mailing list had been brought up to date between November 1955 and February 1956 by means of reply-paid return post cards—regular U.S. double post cards to the United States, and Universal Postal Union Reply Paid Return Post Cards to other countries. Copies of vol. 7, no. 1 were sent only to those who had replied.

4. That this mailing list included the principal zoological, ichthyological, or natural history museum libraries in Ann Arbor, Berkeley, Cambridge, Mass., Chicago, Honolulu, New Haven, New York, Philadelphia, San Francisco, Washington, Berlin, Calcutta, Cape Town, Copenhagen, La Plata, Leningrad, London, Paris, Rio de Janeiro and Sydney, and many other cities in a total of 58 countries

² The letter here referred to by Miss Storey contained the same questions as those set out in Mr. Hemming's letter to Mr. Axelrod of the same date. These have been given in Footnote 1 above.

throughout the world, the Editors of "Science" and "Nature", numbering in all, 258 ; and approximately 335 individual ichthyologists throughout the world.

5. That this number was available through public sale from the Director of this Museum, upon the morning of February 21, 1956.

6. That approximately 350 additional copies of this number were delivered to the Gift and Exchange Department of the Stanford University Library on February 21, 1956, to be used by them for exchanges with 282 libraries of institutions, in 52 countries, with which the Natural History Museum Library does not directly exchange. The Stanford Library distributed 282 copies during the month of March.

7. That a number of post card receipt notices have been received by us from institutions and individuals, showing that this number of the Bulletin was received without undue delay in many widely scattered parts of the world. (Unfortunately, almost no persons or institutions in North America or Western Europe commonly send us such receipts.)

8. That February 21, 1956 fell on a Tuesday, followed by a legal national holiday (Washington's Birthday, Feb. 22), so that no copies sent to any great distance and delivered by the United States mails could have been delivered until February 23. (I am told by Professor Myers that several persons on the Atlantic Seaboard, approximately 3,000 miles from Stanford, received airmail copies on February 23.)

I trust that the above will be satisfactory.

II. THE SUBSEQUENT HISTORY OF THE CASE

3. Registration of the present application : Upon the receipt in the Office of the Commission of the preliminary enquiries referred to in paragraph 1 above, the question of the relative priority to be accorded to the names *Cheirodon axelrodi* Schultz and *Hyphessobrycon cardinalis* Myers & Weitzman was allotted the Registered Number Z.N.(S.) 1082.

4. Publication of the present application : The documents relating to the present case were sent to the printer on 7th June 1956 and were published on 24th August 1956 (Ashdown [request for Ruling by the International Commission], 1956, *Bull. zool. Nomencl.* **12** : 184 ; Hemming [Report as Secretary], 1956, *ibid.*

12 : 185 ; Schultz [letter dated 23rd May 1956], 1956, *ibid.* 12 : 186 ; Axelrod [letter with enclosure dated 23rd May 1956], 1956, *ibid.* 12 : 187—188 ; Storey (Margaret H.) [letter dated 23rd May 1956], 1956, *ibid.* 12 : 189—190).

5. Comment received from Denys W. Tucker (British Museum (Natural History), London : On 19th September 1956 Mr. Denys W. Tucker (*British Museum (Natural History), London*) communicated the following comment to the Office of the Commission (Tucker, 1956, *Bull. zool. Nomencl.* 12 : 317) :—

Support for “*Hyphessobrycon cardinalis*” Myers & Weitzman versus “*Cheirodon axelrodi*” Schultz

The ordinary question of date priority for one or other of these names will be decided by the International Commission on the basis of the evidence provided in *Bull. zool. Nomencl.* 12 : 184—190. I can add nothing further to this aspect of the problem, except the expression of a certain curiosity as to why Vol. 4, No. 4 of the *Tropical Fish Hobbyist* should carry the precise date 20th February 1956, whereas the preceding issue is merely dated January—February 1956, and the succeeding one reverts to the similar form May—June 1956. I feel that the Commission should carefully weigh all the possible implications of this phenomenon.

A factor that I would emphasize in favour of *Hyphessobrycon cardinalis* Myers & Weitzman is that this name was clearly published as a voluntary act of publication by these authors and in a journal normally serving as a vehicle of taxonomic publication. *Cheirodon axelrodi* Schultz, on the other hand, does not appear to have been deliberately published by its author.

Dr. Schultz sent a personal letter to Mr. H. R. Axelrod which the latter apparently published on his own responsibility in the *Tropical Fish Hobbyist* (4(4) : 41—43) a lay journal. The letter contains no indication that Dr. Schultz was anticipating immediate publication in that form and, in fact, his concluding paragraph may be construed as a statement that he intended further study before undertaking definitive publication. This interpretation of his intentions is further supported by Mr. Axelrod's statement in *Tropical Fish Hobbyist* (4(5) : 16) that the magazine was already printing before Dr. Schultz's corrected galley proofs were returned.

6. Report submitted to the Commission by the Secretary at the close of the Prescribed Six-Month Waiting Period following the publication of the present case in the “Bulletin of Zoological

Nomenclature " : At the close of the Prescribed Waiting Period following the publication of the present case in the *Bulletin of Zoological Nomenclature*, Mr. Hemming submitted the following brief Report to the International Commission on 28th February 1957 as part of the arrangements for the taking by the Commission of a vote on the issue raised in the present case :—

The situation created by the virtually simultaneous publication of scientific names (a) by Schultz (L.P.) and (b) by Myers (G.S.) & Weitzman (S.H.) respectively for the same species of Characin fish

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The time has come when it is due to submit to the International Commission for decision the question as to which of the following names, which it is agreed apply to the same previously undescribed species of Characin fish, was the first to be published :—

- (a) *Cheirodon axelrodi* Schultz (L.P.), 1956, *The Tropical Fish Hobbyist* 4 (No. 4) : 41—43 ;
- (b) *Hyphessobrycon cardinalis* Myers (G.S.), & Weitzman (S.H.) 1956, *Stanford Ichthyol. Bull.* 7(1) : 1—4.

2. The application now before the International Commission was submitted on 14th May 1956 by Mr. L. W. Ashdown (*Editorial Department, "Water Life", London*), who asked for a Ruling as to which of the foregoing names should be accepted in preference to the other (Ashdown, 1956, *Bull. zool. Nomencl.* 12 : 184).

3. In order to assist the International Commission in dealing with the present case, I addressed formal invitations to those concerned in the publication of these names to furnish such evidence as might be available regarding the date of mailing of the Parts of the serials in which the names concerned were respectively published. The following information was received in response to the above request :—

- (a) **Letters relating to the publication of the name "Cheirodon axelrodi" Schultz**
 - (i) Letter dated 23rd May 1956 from Leonard P. Schultz
 - (ii) Letter with enclosure, dated 23rd May 1956 from Herbert R. Axelrod, Editor, "The Tropical Fish Hobbyist "

(b) Letter relating to the publication of the name " *Hyphessobrycon cardinalis* " Myers & Weitzman

Letter dated 23rd May 1956 from Margaret H. Storey, Assistant Editor, " *Stanford Ichthyological Bulletin* ".

4. The above letters were published in the *Bulletin of Zoological Nomenclature* concurrently with the publication of the application submitted by Mr. Ashdown. The references are as follows : (1) Schultz, 1956, *Bull. zool. Nomencl.* **12** : 186 ; (2) Axelrod, 1956, *ibid.* **12** : 187—188 ; (3) Storey, 1956, *ibid.* **12** : 189—190. These letters contain a wealth of detail in regard to the subjects with which they deal. I do not propose to summarise them here, for I consider that they should be studied carefully *in extenso*.

5. *Comments received* : A comment was received from Denys W. Tucker (*British Museum (Natural History), London*) who expressed certain criticism in regard to the circumstances in which the name *Cheirodon axelrodi* Schultz was published and indicated a preference for the name *Hyphessobrycon cardinalis* Myers & Weitzman. The text of this letter has been published on page 317 of volume 12 of the *Bulletin*. It had been hoped that the Nomenclature Committee of the American Society of Ichthyology and Herpetology might have been able to assist the Commission in the consideration of this case, but no response has been received to the invitation issued to that body.

6. It will be apparent to any reader of the papers relating to the present case that the circumstances surrounding it have excited strong feelings. It is particularly necessary therefore that in considering this matter the Commission should address itself solely to the issue before it, namely the question as to which of the two names concerned was the first to be published.

7. The specific name of whichever of the nominal species the Commission decides was the first to be established will need to be placed on the *Official List of Specific Names in Zoology*. It will not, however, be possible to place on the *Official Index of Rejected and Invalid Specific Names in Zoology* the specific name of the nominal species which the Commission decides was the later established of the two nominal species concerned, for, although it is agreed that the two names concerned apply to the same taxon, the names being based upon different specimens are subjective and not objective synonyms of one another and both are therefore nomenclatorially available names. Accordingly, in order to place formally on record the decision now to be taken by the Commission it will be necessary, when the proposed entry is made on the *Official List of Specific Names in Zoology*, to adopt the procedure followed in analogous cases by endorsing the entry in question to the effect that by a Ruling given by the Commission the name so placed on the *Official List* is to be treated as having been published prior to the other of the two names concerned.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. Issue of Voting Paper V.P.(57)22 : On 28th February 1957 a Voting Paper (V.P.(57)22) in the following terms was issued to the Members of the International Commission on Zoological Nomenclature :—

VOTING PAPER

Having carefully weighed the evidence submitted by the parties concerned (1956, *Bull. zool. Nomencl.* **12** : 186—190) regarding the dates on which were published the relevant Parts of the serial publications *The Tropical Fish Hobbyist* and the *Stanford Ichthyological Bulletin* respectively, I am of the opinion that of the two names concerned

the name $\left\{ \begin{array}{l} \textit{Cheirodon axelrodi} \\ \text{Schultz} \\ \textit{Hyphessobrycon cardinalis} \\ \text{Myers \& Weitzman} \end{array} \right\}^*$ was the

first to be published and I accordingly vote in favour of the specific name of the nominal species in question being placed on the *Official List of Specific Names in Zoology*, the entry so made to be endorsed in the manner specified in paragraph 7 of the Report bearing the Registered Number Z.N.(S.) 1082 submitted by the Secretary³ simultaneously with the present Voting Paper.

Signature of Commissioner.....

Date of Signature.....

* Delete whichever name is considered inappropriate.

8. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 28th May 1957.

³ The text of the Report here referred to has been reproduced in paragraph 6 of the present *Opinion*.

9. Particulars of the Voting on Voting Paper V.P.(57)22 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(57)22 was as follows :—

(a) *In favour of the acceptance of the name “ Cheiroduon axelrodi ” Schultz as having been published before the name “ Hyphessobrycon cardinalis ” Myers & Weitzman, nineteen (19) votes :*

Lemche ; Holthuis ; Hering ; Mayr ; Bonnet ; Vokes ; Key ; Boschma ; Riley ; Dymond ; Esaki ; do Amaral ; Bradley (J.C.) ; Cabrera ; Hemming ; Sylvester-Bradley ; Tortonese ; Stoll ; Miller ;

(b) *In favour of the acceptance of the name “ Hyphessobrycon cardinalis ” Myers & Weitzman as having been published before the name “ Cheiroduon axelrodi ” Schultz, five (5) votes :*

Mertens ; Prantl ; Bodenheimer ; Jaczewski ; Kühnelt ;

(c) *Voting Papers not returned, one (1) :*

Hankó.

10. Declaration of Result of Vote : On 29th May 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)22, signed a Certificate that the Votes cast were as set out in paragraph 9 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

11. Preparation of the Ruling given in the present “ Opinion ” : On 24th June 1957 Mr. Hemming prepared the Ruling given in

the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)22.

12. Original Reference : the following is the original reference for the specific name placed on the *Official List of Specific Names in Zoology* by the Ruling given in the present *Opinion* :—

axelrodi, *Cheirodon*, Schultz (L.P.), 20th February 1956, *Tropical Fish Hobbyist* 4 (No. 4) : 42

13. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

14. The present *Opinion* shall be known as *Opinion* Four Hundred and Eighty-Five (485) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Fourth day of June, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING